

OFFICE OF ENVIRONMENTAL SERVICES

Water Discharge Permit

GENERAL PERMIT NUMBER LAG750000 - AI 90698

EXTERIOR VEHICLE WASH WASTEWATER

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R.S. 30:2001, et seq.), rules and regulations effective or promulgated under the authority of said Acts, this Louisiana Pollutant Discharge Elimination System (LPDES) General Permit is reissued. This permit authorizes persons who meet the requirements of Part I.A herein and who have been approved by the Office, to discharge to waters of the State wastewater from the exterior washing of vehicles and treated sanitary wastewater totaling less than 25,000 GPD flow in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III of this permit.


This permit becomes effective on

March 15, 2004

This permit and the authorization to discharge shall expire five (5) years from the effective date.

Issued on

March 12, 2004


Linda Korn Levy
Assistant Secretary

SECTION A. APPLICABILITY

Activities covered by this general permit include any discharge from a washrack for the exterior washing of vehicles, boats, aircraft, and/or heavy equipment; commercial vehicle washes that utilize tunnel, rollover/pressure, wand, hand wash/detail; and portable pressure washing equipment. This includes facilities that wash the exterior of vehicles including cars, busses, recreational vehicles (RVs), vans, pick-up trucks, fleet trucks, delivery trucks, 18-wheeled tractor trailer trucks, boats, aircraft (planes and helicopters), lawn-maintenance equipment, and construction equipment, e.g. bulldozers, backhoes, front loaders, fork lifts, etc. Facilities eligible for coverage under this general permit include, but are not limited to, self service or full service gas stations, truck stops, and convenience stores; detail shops, coin-operated vehicle washes, brushless vehicle washes, and truck washes; airports and heliports; construction equipment rental companies; automobile rental facilities; and operators of portable pressure washing equipment.

Portable washing operations involved in the external washing of vehicles, boats, aircraft, and/or equipment may also be covered by this general permit. This includes contract washing operations that utilize portable equipment which is moved from location to location. Typical customers might include delivery service companies, utility companies, trucking companies, heavy equipment operators, and other small businesses with fleets of cars, trucks, and equipment. This permit is intended to also cover the pressure washing of heavy equipment used by contractors in the construction business, timber sawing operations, and other activities where heavy equipment is pressure washed. Portable washing operations covered under this general permit will be covered on a statewide basis, thus the permit will regulate the discharge of wastewater from operations that move to various sites throughout the State. Each individual portable washing unit shall obtain a permit and a copy of this permit shall be kept with each unit at all times. Facilities serviced by a portable washing unit may be required to obtain a site specific discharge permit, if portable equipment is used at that facility on such a regular basis that this Office determines that washing equipment and/or vehicles is a regular function of the facility's primary operation. Also, if this Office deems it in the best interest of the environment and water quality, a site specific discharge permit may be required for any given facility. Statewide authorization numbers shall be designated LAG759XXX while the site-specific authorization numbers are LAG75YXXX, where X equals a numeral from 0 to 9 and Y equals a numeral from 0 to 8.

Facilities as described above which have a sanitary wastewater discharge totaling less than 25,000 gallons per day maximum expected flow, in addition to a vehicle wash wastewater discharge, will also be eligible for coverage under this general permit.

All persons operating a source or conducting an activity that results in a discharge as described above are eligible for coverage under this general permit and will become permittees authorized to discharge upon the receipt of a hand-delivered, correctly completed Notice of Intent (NOI) by the Office of Environmental Services, Permits Division or 48 hours after the postmark date on the envelope that contains the correctly completed NOI. **Submission of an NOI is an acknowledgement that the conditions of this general permit are applicable to the proposed discharge, and that the applicant agrees to comply with the conditions of this general permit. The applicant's signature on the NOI legally certifies that the applicant qualifies for coverage**

under the permit and agrees to comply with all terms and conditions of the authorization to discharge to waters of the State of Louisiana. Unless notified otherwise by the Secretary or his designee, eligible owners/operators are authorized to discharge exterior vehicle wash wastewater and/or treated sanitary wastewater under the terms and conditions of this permit.

Notice of Intent (NOI) to be covered under this general permit shall be made using Form CW-G which may be obtained from the LDEQ web site at <http://www.deq.state.la.us/permits/index.htm>, or by calling (225) 219-3181. An NOI must be submitted for each portable washing unit and for each fixed location. The appropriate box should be checked on the NOI to request either site-specific coverage for a fixed location or statewide coverage for portable pressure washing operations.

If activity is currently being conducted on a site-specific basis or a statewide basis and has not been permitted, an NOI shall be submitted immediately. Dischargers who are currently permitted under the LPDES version of this permit that expired on June 30, 2003, are not required to submit a new NOI. These permitted dischargers will be automatically covered under the reissued LPDES permit; notification of coverage and a copy of the permit will be sent to each permittee after permit finalization. Permit conditions in the reissued permit are effective for these automatically-authorized permittees three days after the postmark date of the notification of coverage. Any permittee covered by an individual permit may request that the individual permit be canceled if the permitted source or activity is also eligible for coverage by this general permit. Permit coverage under this general permit will become effective upon the date of written notification from the Permits Division that the individual permit has been canceled.

The permittee must keep a copy of the NOI that it submitted to the Permits Division and a copy of the general permit at the permitted facility. A copy of the NOI that was submitted for statewide permit coverage must be kept at the site where the portable washing operations are located.

If circumstances change in the future that result in the addition or elimination of permitted outfalls, or a change in the composition of the effluent from a permitted outfall, the permittee is required to notify the Permits Division of the elimination/change of any outfalls that were identified in the NOI or the addition of outfalls that were not identified in the NOI that was submitted for general permit coverage. Notification of the addition or elimination/change of permitted outfalls must be made in writing and must be accompanied by a site diagram that clearly illustrates and identifies current outfall locations at the site.

The permittee is required to submit a permit transfer request to the Permits Division if a permitted facility changes ownership. **The Permit transfer request must be in writing, must be notarized, and it must contain the following information:** the permit authorization number, the agency interest number, the date the transfer should be effective, the name and address of each company, a statement that the permittee wishes to transfer permit coverage to the new owner, and a statement that the new owner accepts transfer of permit coverage, which includes responsibility and liability for complying with the conditions of the general permit.

A printed hard copy of this permit may be obtained by contacting LDEQ's Office of Environmental Services, Permits Division at (225) 219-3181, or a copy can be downloaded from the LDEQ website at www.deq.state.la.us/permits/lpdes/lpdesgenpermits.htm - LPDES Water Discharge General Permits.

All wastewaters covered by this permit must be treated, if necessary, to meet the effluent limitations, before being discharged from the site of origin. Wastewater types other than those described herein are not authorized under this general permit and discharge of such wastewaters at a site covered under this general permit will constitute a violation of the permit unless authorization to discharge has been granted under a separate LPDES permit.

Facilities which discharge the following wastewaters are eligible for coverage by this general permit:

1. exterior vehicle and equipment wash wastewater; and
2. treated sanitary wastewater totaling less than 25,000 GPD

This general permit shall not apply to facilities or portable washing operations:

1. producing and/or receiving wastewater from sources other than those described above;
2. which discharge or have the potential to discharge substances that are not addressed by or would not be adequately detected by the effluent limitations in this permit;
3. which involve the washing of vehicles, boats, aircraft (planes and helicopters), or equipment determined by this Office to present an environmental risk or potential risk of discharging pollutants other than is intended to be regulated by this permit;
4. which involve decontamination of equipment involved in remediation type activities;
5. required by the Louisiana Water Quality Management Plan or by an approved Waste Load Allocation to have more stringent effluent limitations;
6. which involve oil field service vehicles, vehicles with tanks or cargo compartments for the hauling or dispensing of pesticides, waste materials such as garbage or hazardous waste, or any material deemed by this Office to be a threat to the environment;
7. which conduct internal tank truck washing or the external washing of tank trucks that have a visible accumulation of product on the outside of the tank;
8. which steam clean or pressure wash engines and/or industrial equipment with non-biodegradable soaps and/or detergents or with chemicals containing any of the 126 priority pollutants;

9. which are likely to have adverse effects upon threatened or endangered species, or on the critical habitat for these species as determined by the U.S. Fish and Wildlife Service (USFWS);
10. discharging wastewaters which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless they are in compliance with requirements of the National Historic Preservation Act and any necessary activities to avoid or minimize impacts have been coordinated with the Louisiana State Historic Preservation Officer; *(for questions, the operator should contact the Section 106 Review Coordinator, Office of Cultural Development, P. O. Box 44247, Baton Rouge, LA 70404 or telephone (225) 342-8170.)*
11. producing discharges which cause or contribute to the violation of a state water quality standard; or
12. producing discharges that are mixed with other, non-covered discharge types unless those other discharges are in compliance with another LPDES permit.

This general permit may not apply to site-specific or portable washing operations:

1. which are not in compliance with a previously issued individual or general wastewater discharge permit;
2. which have previously been in violation of state water quality regulations; or
3. which are located in an environmentally sensitive area.

This Office reserves the right to issue these operations an individual industrial permit with more appropriate limitations and conditions.

SECTION B. EFFLUENT LIMITATIONS

During the period beginning with coverage under this permit and lasting through the expiration date of this general permit, all permittees covered under this general permit are authorized to discharge exterior vehicle and equipment wash wastewater, treated sanitary wastewater (under 25,000 GPD), or a combination of these discharges as specified in the NOI submitted by the applicant and in accordance with the conditions that follow.

OUTFALL 001: EXTERIOR VEHICLE AND EQUIPMENT WASH WASTEWATER ¹:

Outfall numbers used in the NOI must correspond to the appropriate outfall numbers in the permit. The permittee shall designate an exterior vehicle and equipment wash wastewater discharge point as Outfall 001. If more than one outfall of this type occurs at a facility, then each separate discharge point must be clearly identified as Outfall 001A, Outfall 001B, etc. Each outfall location for discharges of exterior vehicle and equipment wash wastewater shall be identified in the NOI and shall be monitored in accordance with the following table. In accordance with Part I.C of the permit, DMRs shall be submitted for each outfall location.

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	MONTHLY AVERAGE	DAILY MAXIMUM	MEASUREMENT FREQUENCY ^{2&3}	SAMPLE TYPE
Flow (GPD)	Report	Report	1/3 months	Estimate
TSS	----	45 mg/L	1/3 months	Grab
COD ⁴	----	300 mg/L	1/3 months	Grab
Oil and Grease	----	15 mg/L	1/3 months	Grab
pH - Allowable Range (Standard Units)	6.0 (Minimum)	9.0 (Maximum)	1/3 months	Grab
Soaps and/or Detergents	Report ⁵	N/A	1/3 months	Inventory Calculation
Visible Sheen	----	No Presence	1/day	Observation

¹ See Part II, Section D Pollution Prevention Plan (PPP).

² For portable washing operations, a representative sample of the wastewater to be discharged during each monitoring period shall be taken, provided that the same soaps and/or detergents are used throughout that monitoring period. If the soaps, detergents, or other additives being used are changed during a particular monitoring period, an additional representative sample of that wastewater shall be taken and reported on a Discharge Monitoring Report (DMR) form. For additional requirements, specifically for portable washing operations, see Part II, Section C.

³ If the value of an effluent characteristic exceeds the *daily maximum* limitation in any sample, then the measurement frequency for that parameter shall increase to 1/month. The increased frequency shall continue until a sample demonstrates a value less than or equal to the *daily maximum*. (In the case of pH, if the sample is not within the allowable pH range, the increased frequency of sampling shall continue until a sample result is within the allowable pH range).

⁴ If storm water is commingled with the vehicle wash wastewater, i.e. if the vehicle wash is not constructed so as to prevent storm water from entering the treatment system, then the limitations for COD shall be a daily maximum effluent limitation of 125 mg/L. This daily maximum effluent limitation shall be the effluent limitation which such facilities shall follow at all times for COD.

- ⁵ Each type of Soap and/or Detergent shall be listed separately on the Discharge Monitoring Report (DMR) along with the total amount of each used during the monitoring period. Additionally, a Material Safety Data Sheet for each material used shall be retained on site along with the facility's DMR records.

There shall be no discharge of floating solids or visible foam in other than trace amounts, or of free oil or other oily materials, or of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge. There shall be no accumulation of solids in the receiving stream which has the potential to negatively impact aquatic life or hinder natural drainage. The use of dilution (Permit Part III.A.13) or flow augmentation (LAC 33:IX.3705.F) to achieve effluent concentration limitations is prohibited.

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OUTFALL 002: TREATED SANITARY WASTEWATER (Less Than 5,000 GPD)

Outfall numbers used in the NOI must correspond to the appropriate outfall numbers in the permit. The permittee shall designate a treated sanitary wastewater discharge point as Outfall 002. If more than one outfall of this type occurs at a facility, then each separate discharge point shall be clearly identified as Outfall 002A, Outfall 002B, etc. Each outfall location for discharges of treated sanitary wastewater shall be identified in the NOI and shall be monitored in accordance with the following table. In accordance with Part I.C of the permit, DMRs shall be submitted for each outfall location.

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	MONTHLY AVERAGE	WEEKLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow (GPD)	Report	Report	1/6 months	Estimate
BOD ₅	----	45 mg/L	1/6 months	Grab
TSS ¹	----	45 mg/L	1/6 months	Grab
Oil & Grease ²	----	15 mg/L	1/6 months	Grab
Fecal Coliform ^{3&4} Colonies/100 ml	----	400	1/6 months	Grab
pH - Allowable Range (Standard Units)	6.0 (Minimum)	9.0 (Maximum)	1/6 months	Grab

¹ For an oxidation pond treatment unit the weekly average is 135 mg/L.

² Required only for discharges which include food service waste.

³ If chlorination is chosen as a disinfection method, see Part II, Section B.

⁴ If this discharge is located in an oyster propagation area, the Fecal Coliform weekly average limitation will be 43 colonies/100 ml. Instructions will be given in the authorization letter of this permit if this more stringent fecal coliform limitation is required.

Sanitary wastewater from Outfall 002 shall not be reported as a combined outfall. It shall be monitored at the point of discharge from the treatment unit and prior to mixing with any other water.

There shall be no discharge of floating solids or visible foam in other than trace amounts, or of free oil or other oily materials, or of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge. There shall be no accumulation of solids in the receiving stream which has the potential to negatively impact aquatic life or hinder natural drainage.

OUTFALL 003: TREATED SANITARY WASTEWATER (5,000 to 25,000 GPD)

Outfall numbers used in the NOI must correspond to the appropriate outfall numbers in the permit. The permittee shall designate a treated sanitary wastewater discharge point as Outfall 003. If more than one outfall of **this type** occurs at a facility, then each separate discharge point shall be clearly identified as Outfall 003A, Outfall 003B; etc. Each outfall location for discharges of treated sanitary wastewater shall be identified in the NOI and shall be monitored in accordance with the following table. In accordance with Part I.C of the permit, DMRs shall be submitted for each outfall location.

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	MONTHLY AVERAGE	WEEKLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow (GPD)	Report	Report	1/3 months	Estimate
BOD ₅	30	45 mg/L	1/3 months	Grab
TSS ¹	30	45 mg/L	1/3 months	Grab
Oil & Grease ²	10	15 mg/L	1/3 months	Grab
Fecal Coliform ^{3&4} Colonies/100 ml	200	400	1/3 months	Grab
pH - Allowable Range (Standard Units)	6.0 (Minimum)	9.0 (Maximum)	1/3 months	Grab

¹ For an oxidation pond treatment unit the weekly average is 135 mg/L.

² Required only for discharges which include food service waste.

³ If chlorination is chosen as a disinfection method, see Part II, Section B.

⁴ If this discharge is located in an oyster propagation area, the Fecal Coliform limitation weekly average will be 43 colonies/100 ml. Instructions will be given in the authorization letter of this permit if this more stringent fecal coliform limitation is required.

Sanitary wastewater from Outfall 003 shall not be reported as a combined outfall. It shall be monitored at the point of discharge from the treatment unit and prior to mixing with any other water.

There shall be no discharge of floating solids or visible foam in other than trace amounts, or of free oil or other oily materials, or of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge. There shall be no accumulation of solids in the receiving stream which has the potential to negatively impact aquatic life or hinder natural drainage.

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**OUTFALL 004: COMMINGLED DISCHARGES OF TREATED VEHICLE WASH AND
SANITARY WASTEWATER (Less than 25,000 GPD)**

Outfall numbers used in the NOI must correspond to the appropriate outfall numbers in the permit. The permittee shall designate commingled discharges of treated vehicle wash and treated sanitary wastewater as Outfall 004. If more than one outfall of **this type** occurs at a facility, then each separate discharge point shall be clearly identified as Outfall 004A, Outfall 004B, etc. Each outfall location for discharges of commingled treated vehicle wash and treated sanitary wastewater shall be identified in the NOI and shall be monitored in accordance with the following table. In accordance with Part I.C of the permit, DMRs shall be submitted for each outfall location.

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	MONTHLY AVERAGE	DAILY MAXIMUM	MEASUREMENT FREQUENCY ¹	SAMPLE TYPE
Flow (GPD)	Report	Report	1/3 months	Estimate
COD ²	----	300 mg/L	1/3 months	Grab
BOD ₅	----	45 mg/L	1/3 months	Grab
TSS ³	----	45 mg/L	1/3 months	Grab
Oil & Grease	----	15 mg/L	1/3 months	Grab
Fecal Coliform ^{4&5} Colonies/ 100 ml	----	400	1/3 months	Grab
pH - Allowable Range (Standard Units)	6.0 (Minimum)	9.0 (Maximum)	1/3 months	Grab
Soaps and/or Detergents	Report ⁶	N/A	1/3 months	Inventory Calculation

¹ If the value of an effluent characteristic exceeds the *daily maximum* limitation in any sample, then the measurement frequency for that parameter shall increase to 1/month. This increased frequency shall continue until a sample demonstrates a value less than or equal to the daily maximum. (In the case of pH, if the sample is not within the allowable pH range, the increased frequency of sampling shall continue until a sample result is within the allowable pH range).

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² If storm water is commingled with the vehicle wash wastewater, i.e. if the vehicle wash is not constructed so as to prevent storm water from entering the treatment system, then the limitations for COD shall be a daily maximum effluent limitation of 125 mg/L. This daily maximum effluent limitation shall be the effluent limitation which such facilities shall follow at all times for COD.

³ For an oxidation pond the daily maximum is 135 mg/L.

⁴ If chlorination is chosen as a disinfection method see Part II, Section B.

⁵ If this discharge is located in an oyster propagation area, the daily maximum fecal coliform limitation will be 43 colonies/100 ml. Instructions will be given in the cover letter of this permit if these more stringent fecal coliform limitations are required.

⁶ Each type of soap and/or detergent shall be listed separately on the Discharge Monitoring Report (DMR) along with the total amount of each used during the monitoring period. Additionally, a Material Safety Data Sheet (MSDS) for each material used shall be retained on site along with the facility's DMR records.

There shall be no discharge of floating solids or visible foam in other than trace amounts, or of free oil or other oily materials, or of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge. There shall be no accumulation of solids in the receiving stream which has the potential to negatively impact aquatic life or hinder natural drainage.

**OUTFALL 005: WASTEWATERS FROM PORTABLE WASHING OPERATIONS
WHICH ARE DISCHARGED AT A CENTRALIZED LOCATION ¹**

Outfall numbers used in the NOI must correspond to the appropriate outfall numbers in the permit. The permittee shall designate a discharge point for centralized discharges of wastewater from portable washing operations as Outfall 005. If more than one outfall of **this type** occurs at a facility, then each separate discharge point shall be clearly identified as Outfall 005A, Outfall 005B, etc. Each outfall location for centralized discharges of wastewater from portable washing operations shall be identified in the NOI and shall be monitored in accordance with the following table. In accordance with Part I.C of the permit, DMRs shall be submitted for each outfall location.

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	MONTHLY AVERAGE	DAILY MAXIMUM	MEASUREMENT FREQUENCY ²	SAMPLE TYPE
Flow (GPD)	Report	Report	1/month	Estimate
TSS	----	45 mg/L	1/month	Grab
COD	----	300 mg/L	1/month	Grab
Oil and Grease	----	15 mg/L	1/month	Grab
pH - Allowable Range (Standard Units)	6.0 (Minimum)	9.0 (Maximum)	1/month	Grab
Soaps and/or Detergents	Report ³	N/A	1/month	Inventory Calculation
Visible Sheen	----	No Presence	1/day	Observation

¹ See Part II, Section D Pollution Prevention Plan (PPP).

² If the value of an effluent characteristic exceeds the *daily maximum* limitation in any sample, then the measurement frequency for that parameter shall increase to 1/week. The increased frequency shall continue until a sample demonstrates a value less than or equal to the daily maximum. (In the case of pH, if the sample is not within the allowable pH range, the increased frequency of sampling shall continue until a sample result is within the allowable pH range).

³ Each type of Soap and/or Detergent shall be listed separately on the Discharge Monitoring Report (DMR) along with the total amount of each used during the monitoring period. Additionally, a Material Safety Data Sheet for each material used shall be retained on site along with the facility's DMR records.

There shall be no discharge of floating solids or visible foam in other than trace amounts, or of free oil or other oily materials, or of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge. There shall be no accumulation of solids in the receiving stream which has the potential to negatively impact aquatic life or hinder natural drainage. The use of dilution (Permit Part III.A.13) or flow augmentation (LAC 33:IX.3705.F) to achieve effluent concentration limitations is prohibited.

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SECTION C. MONITORING AND REPORTING REQUIREMENTS

1. All sampling and testing shall be conducted in accordance with the latest EPA-approved edition of Standard Methods For the Examination of Water and Wastewater.
2. Samples shall be taken prior to mixing with the receiving water (immediately after exiting the treatment mechanism, if treatment is required).
3. Provisions must be made during the installation of the treatment unit for obtaining a proper sample.
4. Proper sampling techniques shall be used to ensure that analytical results are representative of pollutants in the discharge.
5. The discharge must comply with effluent limitations at all times during the discharge. If a discharge is found to be in violation of specified limits, the permittee will be subject to enforcement action, including civil penalties, and may be required to obtain an individual permit.
6. All monitoring records must be retained for a period of at least three years from the date of the sample measurements. The permittee shall make available to this Office, upon request, copies of all monitoring data required by this permit.

Records of monitoring information shall include the following:

- a. date, exact place, and time of sampling or measuring;
 - b. individual(s) who performed the sampling or measurements;
 - c. date(s) and time(s) analyses were begun;
 - d. individual(s) who performed the analyses;
 - e. analytical techniques or methods used;
 - f. results of such analyses; and
 - g. results of all Quality Control procedures.
7. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form EPA No. 3320-1 or an approved substitute. If there is no discharge event at the monitored outfall(s) during the sampling period, write "No Discharge" in the upper right corner of the Discharge Monitoring Report. All permittees must submit a DMR for each outfall for every monitoring period even if there were no discharges.

The monitoring results from sampling events for each vehicle wash wastewater outfall (Outfall 001) or for each commingled wastewater outfall (Outfall 004), shall be summarized quarterly on a Discharge Monitoring Report (DMR) form. In the case of portable vehicle wash wastewaters discharged from a centralized location (Outfall 005), monitoring results shall be submitted monthly. One DMR form shall be submitted per outfall per monitoring period. The monitoring results from sampling events for sanitary wastewater discharges of less than 5,000 GPD (Outfall 002) shall be summarized semiannually on a DMR form. Submission of DMRs for sanitary wastewater discharges between 5,000 and 25,000 GPD (Outfall 003) shall be on a quarterly basis. If more than one sample is obtained during the prescribed Measurement Frequency period, the results are averaged and reported on the DMR. DMR General Instruction Number 5 defines "Average" as the arithmetic average (geometric average for bacterial parameters) of all sample measurements for each parameter obtained during the "Monitoring Period". Monitoring results obtained for a 1/month measurement frequency shall be summarized on a DMR for each month but submitted quarterly. The schedules for quarterly and semiannual DMR submission are as follows:

Quarterly Submission

Monitoring Period

January, February, March
April, May, June
July, August, September
October, November, December

DMRs Due

April 28th
July 28th
October 28th
January 28th

Semiannual Submission

Monitoring Period

January - June
July - December

DMRs Due

July 28th
January 28th

In accordance with LAC 33:IX.2503.B, DMRs must be signed and certified by an authorized person. Discharge Monitoring Reports shall be submitted to the Enforcement Division of the Office of Environmental Compliance, and to the appropriate Regional Office at the addresses in the Current Address List attached to the cover letter that acknowledges receipt of the NOI by the Permits Division. Mailing addresses are also posted on the LDEQ web page at www.deq.state.la.us under "addresses and phone numbers".

PART II OTHER REQUIREMENTS

The permittee must comply with all applicable provisions of the Louisiana Water Quality Regulations including standard conditions found in LAC 33:IX.2701. This Office has established the following definitions and requirements in accordance with those regulations. The definition of other terms may be found in the Louisiana Water Pollution Control Regulations (LAC 33:IX.2313).

SECTION A. DEFINITIONS

For definitions of monitoring and sampling terminology see Part III, Section F.

Additional definitions:

1. Act: means Act 449 of the 1979 Louisiana Legislature which established Section 2001 et seq. of Title 30 of the Louisiana Revised Statutes of 1950 and any subsequent amendment to these Sections.
2. Activity: means any conduct, operation or process which causes or may cause the discharge of pollutants into the waters of the State.
3. Biochemical Oxygen Demand (BOD): means the amount of oxygen required by bacteria during the decay of organic and nitrogenous materials.
4. Chemical Oxygen Demand (COD): means the amount of oxygen organic matter can consume in wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in mg/L.
5. Commingled Discharges: means waste streams that are mixed prior to final discharge and can not be sampled separately as internal outfalls.
6. Daily Discharge: means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day. "Daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that sampling day.
7. Daily Maximum: discharge limitation means the highest allowable "daily discharge" during the calendar month.

8. Discharge: when used without qualification means the "discharge of a pollutant."
9. Discharge Monitoring Report (DMR): The form used (including any subsequent additions, revisions, or modifications) to report self-monitoring results of effluent discharges by NPDES permittees and permittees in delegated states. EPA Form 3320-1 is the DMR form that must be used by permittees in the state of Louisiana (LPDES permittees) to report self-monitoring results.
10. Facility: means a pollution source, or any public or private property or site and all contiguous land and structures, other appurtenances and improvements, where any activity is conducted which discharges or may result in the discharge of pollutants into waters of the State.
11. Fecal Coliform: means a gram negative, non-spore forming, rod-shaped bacteria found in the intestinal tract of warm-blooded animals.
12. GPD: means gallons per day.
13. Grab Sample: means an individual sample collected in less than 15 minutes.
14. mg/L: means milligrams per liter; it is essentially equivalent to parts per million in dilute aqueous solutions.
15. Monthly Average: other than for fecal coliform bacteria, means the highest allowable arithmetic mean of the "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. The monthly average for fecal coliform bacteria is the geometric mean of the "daily discharges" over a calendar month.
16. Office: means the Office of Environmental Services within the Department of Environmental Quality.
17. Owner or Operator: means the owner or operator of any "facility or activity" subject to regulation under the LPDES program.
18. Pollution Prevention Plan (PPP): means a written plan detailing the housekeeping practices to be carried out on a regular basis to prevent or reduce pollution to the receiving stream from storm water runoff and process wastewater discharges.
19. Process Wastewater: means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater may include interior or exterior washing of plant trucks or product receptacles.

20. Secretary: means the secretary of the Louisiana Department of Environmental Quality.
21. Sanitary Wastewater: means treated or untreated wastewater which contains human metabolic and domestic wastes.
22. Standard Methods: means Standard Methods for the Examination of Water and Wastewater, American Public Health Association, Washington, DC.
23. State Administrative Authority: means the secretary of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.
24. Total Suspended Solids (TSS): means the amount of solid material suspended in water commonly expressed as a concentration in terms of mg/L.
25. Unauthorized Discharge: means a continuous, intermittent or one-time discharge, whether intentional, anticipated, or unanticipated, from any source, permitted or unpermitted, which is in contravention of any provision of the Act or of any permit terms and conditions, or of any applicable regulation, compliance schedule, variance or exception of the administrative authority.
26. Visible Sheen: a silvery or metallic sheen, gloss, or increased reflectivity; visual color; or iridescence on the water surface.
27. Waters of the State: means all surface waters within the state of Louisiana, and, on the coastline of Louisiana and the Gulf of Mexico, all surface waters extending therefrom three miles into the Gulf of Mexico. For purposes of the Louisiana Pollutant Discharge Elimination System, this includes all surface waters which are subject to the ebb and flow of the tide, lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state of Louisiana otherwise defined as "waters of the United States" in 40 CFR 122.2 and tributaries of all such waters. "Waters of the state" does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251, et seq.
28. Weekly Average: other than for fecal coliform bacteria, is the highest allowable arithmetic mean of the "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week. The weekly average for fecal coliform bacteria is the geometric mean of the "daily discharges" over a calendar week.

SECTION B. CHLORINE TOXICITY

Future water quality studies may indicate potential toxicity from the presence of residual chlorine in the treatment facility's effluent. Therefore, the permittee is hereby advised that a future Total Residual Chlorine Limitation may be required if chlorine is used as a method of disinfection. In many cases, this becomes a **NO MEASURABLE** Total Residual Chlorine Limitation. If such a limit were imposed, the permittee would be required to provide for dechlorination of the effluent prior to discharge.

SECTION C. PORTABLE WASHING OPERATIONS

The terms and conditions of this section apply only to portable washing operations involved in the external washing of cars, trucks, boats, aircraft, and equipment at various locations around the state, and which discharge wastewater at the location at which the washing activity occurs. This includes contract washing operations that utilize portable equipment which is carried from one customer's location to the next. This section is not applicable to washing activities at various locations where the wastewater is contained and conveyed to a centralized site for treatment and discharge.

Portable washing operations shall conform to the following terms and conditions, in addition to all other applicable conditions in this general permit.

1. Each portable washing unit shall obtain its own permit and a copy of this permit shall be kept with each unit at all times.
2. The permittee shall notify the appropriate regional office whenever washing activities are commenced in that regional office's jurisdiction. This notification shall be made in writing. Similar notification shall be made upon termination of operating within that region. Written notification shall be post marked no later than five working days prior to the initial start-up and termination notices shall be post marked no later than ten working days from the termination of the washing activity in a region. This notification is not required for each washing site. The purpose of this requirement is to notify the appropriate regional office that the operation is occurring in its region.
3. A written log of all current and past washing activities shall be kept. This log is to be kept at the operator's main place of business and shall be provided to this Office upon request. The log entry for each washing activity shall include the following:
 - a. facility name and mailing address;
 - b. facility physical address or location;
 - c. date of work performed;

- d. the number and type of vehicle (e.g., car, panel truck, etc.) washed; and
 - e. the names of the soaps, detergents, and other chemicals used at the facility during the washing operation.
4. A work schedule must be available, upon request, which includes a schedule of where washing activities are planned for at least the next three days. Names and addresses of facilities on the three-day plan must be provided at the time of the request.
5. The permittee shall prepare, implement, and maintain a Pollution Prevention Plan (PPP) for the control and reduction of wastewater pollutants as a result of this operation. In addition to any other pollution prevention practices, the permittee **shall** include the pollution prevention practices specified in Part II, Section D. The PPP is to be recorded in writing and shall be provided to this Office and the Regional Office upon request. The PPP shall be completed and implemented no later than three months from the date of authorization to discharge under this general permit. The PPP shall be periodically updated with the changes duly recorded.
6. The original permit, DMRs, Pollution Prevention Plan, and other records shall be kept at the operator's main place of business. A copy of the permit and the Pollution Prevention Plan shall be present at the job site where washing activities are being conducted.
7. If a portable washing unit is operating at a facility which has an existing Louisiana Water Discharge Permit System (LWDPS), National Pollutant Discharge Elimination System (NPDES), or Louisiana Pollutant Discharge Elimination System (LPDES) permit, any of which contains terms and conditions pertinent to external car, truck, boat, aircraft, and equipment washing activities, then the portable washing unit shall comply with any of those terms and conditions which are more stringent than the terms and conditions of this general permit.

SECTION D. POLLUTION PREVENTION PLAN (PPP)

The following pollution prevention practices are recommended for all facilities covered under this general permit, however, they **shall** be incorporated into the Pollution Prevention Plan which is required for all portable washing operations (Part II, Section C.5). **For newly permitted facilities, a Pollution Prevention Plan (PPP) shall be prepared and implemented within three (3) months of the date of initial coverage under this permit.** Permittees covered under the original version of Permit LAG750000 that was effective July 1, 1998 and granted automatic coverage under this reissued permit, shall, if eligible for continuing coverage under the reissued permit, update their PPPs to comply with the requirements of the reissued permit. The PPP shall be updated within 90 days of the date of finalization of the reissued permit. The terms and conditions of the PPP shall be an enforceable part of this permit. A copy of the PPP shall be kept on site and a copy shall be provided to this Office and/or the regional office upon request. The PPP shall be periodically updated with the changes duly recorded.

1. All washing shall be conducted either without soaps and detergents or with biodegradable soaps used in minimal amounts. The use of non-biodegradable or emulsifying soaps and detergents, tire cleaners containing potentially hazardous chemicals, and solvents is prohibited.
2. If the washing activity takes place on an impermeable surface (such as concrete or asphalt paving), the area where the washing operation is to be conducted and the subsequent drainage path shall be swept clean of dirt and other dry substances immediately prior to commencing the washing operation.
3. Any spills, drips of fluids, or other contamination to the washing area and the subsequent drainage area shall be picked up by dry means prior to the beginning of the washing operation.

The use of detergents, emulsifiers, or dispersants to clean up spilled contaminants is prohibited except where necessary to comply with State and Federal safety regulations (e.g., requirement for non-slippery work surface). In all such cases, initial cleanup shall be done by physical removal and chemical usage shall be minimized.

4. Any vehicle or piece of equipment that is in a state of disrepair which increases the potential for contaminating the discharge water (such as a vehicle leaking fluids) shall not be washed until the potential for contamination has been eliminated. Such means may include drip pans, recirculating waste streams, or repairs.

SECTION E. COMPLIANCE SCHEDULE

The permittee shall be in compliance with the effluent limitations and monitoring requirements specified herein on the date of authorization of coverage under this general permit. If a discharge is found to be in violation of specified limits, the permittee will be subject to enforcement action, including civil penalties, and may be required to obtain an individual permit.

SECTION F. CONTINUATION OF EXPIRED GENERAL PERMIT

This permit expires five years after the effective date. Should this permit expire before it is reissued, this Office will administratively extend the permit to discharge, for permittees that were covered prior to the expiration, until such time that a new general permit is issued. Upon reissuance or replacement of this permit, the permittee must comply with the requirements for obtaining coverage under the new permit to maintain authorization to discharge.

SECTION G. STATE WATER QUALITY STANDARDS

LAC 33:IX.1113 describes numerical and general criteria that apply to all water bodies of the State. Criteria are elements of the water quality which set limitations on the permissible amounts of a substance or other characteristics of state waters. The General Criteria, as described in the

Louisiana Administrative Code, limit discharges to maintain aesthetics, color, turbidity, the biologic and aquatic community integrity, and many other elements in the receiving water body. Any noncompliance with the General or Numerical Criteria is not authorized under this permit

To comply with the requirements of LAC 33:IX.2317.A.9, this permit does not authorize any discharge from a facility which is classed as a new source or new discharge, as defined at LAC 33:IX.2313, if the discharge will cause or contribute to the violation of water quality standards. Discharges from facilities permitted under LPDES general permits typically consist of low volume flows, and discharges that are intermittent in nature. This general permit is applicable to very specific types of facilities and allows very limited types of discharges that specifically occur at facilities that are eligible for coverage under this permit. The effluent limitations and other conditions are determined to be sufficient to assure protection to state waters. New source discharges or new discharges of wastewater from a facility whose discharges are in compliance with the general permit requirements should not adversely impact water quality of 303(d) listed impaired water bodies nor should they cause or contribute to the violation of state water quality standards in receiving water bodies throughout the state, including 303(d) impaired water bodies. Allowing automatic permit coverage under this general permit will not negatively impact the water quality of receiving streams because permitted facilities are required to be in compliance with the general permit requirements immediately upon coverage by the permit. In accordance with Part II.O and II.K.1 measures can be taken by the permitting authority to prohibit any discharge that is not protective of state water quality standards.

SECTION H. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

SECTION I. PROPERTY RIGHTS

Authorization to discharge pursuant to the conditions of this permit does not relieve the permittee of any liability for damages to state waters or private property. For discharges to private land this permit does not relieve the permittee from obtaining approval from the landowner for appropriate easements and rights of way.

SECTION J. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

**SECTION K. REQUIRING AN INDIVIDUAL PERMIT OR AN ALTERNATIVE
GENERAL PERMIT**

1. The State Administrative Authority may require any person authorized by this permit to apply for and/or obtain either an individual LPDES permit or an alternative LPDES general permit. Any interested person may petition the State Administrative Authority to take action under this paragraph. Where the State Administrative Authority requires a discharger authorized to discharge under this permit to apply for an individual LPDES permit, the State Administrative Authority shall notify the discharger in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of issuance or denial of the individual LPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. The State Administrative Authority may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an application as required by the State Administrative Authority under this paragraph, then the applicability of this permit to the permittee is automatically terminated at the end of the day specified by the State Administrative Authority for application submittal.
2. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of LAC 33:IX.2515.B.3.c., with reasons supporting the request, to the State Administrative Authority at the Louisiana Department of Environmental Quality, Office of Environmental Services, P.O. Box 4313, Baton Rouge, LA 70821-4313, ATTN: Permits Division. The request may be granted by issuance of an individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.
3. In order to appropriately cover all discharges that might occur at a facility, a permittee authorized to discharge under this LPDES permit might also need coverage under an individual LPDES permit or other LPDES general permits for discharges that occur at the facility/site that are not authorized by this general permit. The permittee shall maintain appropriate permit coverage for the permitted facility/site and shall maintain compliance with all effective LPDES permits issued to the facility/site.
4. When an individual LPDES permit is issued to cover discharges otherwise subject to this permit, or the discharges are authorized under an alternative LPDES general permit, the applicability of this permit to that LPDES discharge is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. **When an individual LPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative LPDES general permit, the applicability of this permit to the individual LPDES permittee automatically terminated on the date of such denial, unless otherwise specified by the State Administrative Authority.**

SECTION L. STATE ENVIRONMENTAL LAWS

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation.
2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

SECTION M. REMOVED SUBSTANCES

Solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State.

SECTION N. ADVANCED WASTEWATER TREATMENT

Please be advised that future water quality studies may indicate the need for more advanced wastewater treatment. Therefore, this Office reserves the right to impose more stringent and/or additional effluent limitations in the future. Prior to any future upgrade or expansion of the facility, you should contact this Office to determine the status of any work being done to establish future effluent limitations.

SECTION O. PERMIT REOPENER CLAUSE

This permit may be modified, revoked and reissued, or terminated for cause in accordance with LAC 33:IX.2903, 2905, 2907, 3105 and 6509. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. This Office reserves the right to reopen and modify this permit to conform to those standards necessary to maintain the water quality in order to support uses of the receiving water bodies.

SECTION P. FACILITY CHANGES

The authorization to discharge in accordance with this general permit may be terminated at the discretion of this Office if a change or alteration of the permitted facility, or process(es), occurs that affects or has the potential to affect the discharge rate or composition of the effluent. Prior to any such change in the discharge rate or composition of effluent from an outfall covered by this general permit, the permittee must submit notification (Form CW-G or other approved form) to this Office.

SECTION Q. TERMINATION OF AUTHORIZATION TO DISCHARGE

This Office reserves the right to revoke the authorization to discharge in accordance with this general permit as it applies to any person and/or require such person to apply for and obtain an individual permit if:

1. the covered source or activity is a significant contributor to pollution or creates other environmental problems;
2. the permittee is not in compliance with the terms and conditions of this general permit;
3. conditions or standards have changed so that the source or activity no longer qualifies for this general permit; or
4. the discharge limitations contained in this permit are not in accordance with the Water Quality Management Plan.

SECTION R. OTHER DISCHARGES

This permit does not in any way authorize the permittee to discharge a pollutant not listed or quantified in the notice of intent or as otherwise authorized in the permit.

SECTION S. SANITARY DISCHARGE

Future water quality studies may indicate potential toxicity from the presence of residual chlorine in the treatment facility's effluent. Therefore, the permittee is hereby advised that a future Total Residual Chlorine Limit may be required if chlorine is used as a method of disinfection. In many cases, this becomes a NO MEASURABLE Total Residual Chlorine limit. If such a limit were imposed, the permittee would be required to provide for dechlorination of the effluent prior to discharge. Please be aware, concentrations of Total Residual Chlorine above 0.01 mg/L can cause or contribute to significant toxicity in receiving streams and biomonitoring testing. It is the permittee's responsibility to assure that no Total Residual Chlorine remains in the effluent after dechlorination in order to prevent toxicity in the receiving stream.

The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain water quality integrity and the designated uses of the receiving water bodies based upon water quality studies. These studies may indicate the need for more advanced wastewater treatment. Studies of similar dischargers and receiving water bodies have resulted in monthly average effluent limitations of 5 mg/l CBOD₅ and 2 mg/l NH₃-N. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

SECTION T. COMBINED OUTFALLS

Effluent limitations and monitoring requirements for outfall numbers (types of wastewater and/or storm water discharges) that are permissible under this general permit are found in Part I.B. The outfall number(s) listed in the NOI submitted by the applicant must properly identify the type(s) of wastewater and/or storm water that discharges from that outfall. The permittee must follow the effluent limitations page(s) found in Part I.B that corresponds to the outfall number(s) that is/are identified in the NOI submitted to the Permits Division. If two or more different waste water types are to be discharged from a single outfall point, then that outfall shall be subject to all the effluent limitations and monitoring requirements which apply to each separate wastewater type (outfall schedule). If an effluent characteristic (monitoring parameter) is limited in more than one outfall schedule that applies to a combined outfall, then the more stringent numerical effluent limitation and/or monitoring requirement for that parameter must be met.

Each of the applicable outfall numbers (schedules) that accurately describe the commingled discharges in a combined outfall shall be checked separately on the NOI and the outfall location for each shall state that it is a combined outfall and state the outfall location. Laboratory analysis shall be conducted for all of the limited parameters (effluent characteristics) contained in each of the applicable outfall schedules. If the different outfall schedules contain different daily maximum values or different monitoring frequencies then the more stringent value or frequency is applicable to the outfall. Discharge Monitoring Reports (DMRs) must be completed for each outfall number (effluent limitations schedule) and submitted according to Part I.C of the permit.

SECTION U. 24-HOUR ORAL REPORTING: DAILY MAXIMUM LIMITATION VIOLATIONS

Under the provisions of Part III.D.6.b and 6.c of this permit, violations of daily maximum limitations for the following pollutants shall be reported orally to the Office of Emergency Response (225-219-3640) during work hours or by e-mail utilizing the Incident Report Form and procedures found at www.deq.state.la.us/surveillance within 24 hours from the time the permittee becomes aware of the violation followed by a written report within seven days.

Pollutants: None

PART III
STANDARD CONDITIONS FOR LPDES PERMITS

SECTION A. GENERAL CONDITIONS

1. Introduction

In accordance with the provisions of LAC 33:IX.2355, et. seq., this permit incorporates either expressly or by reference ALL conditions and requirements applicable to Louisiana Pollutant Discharge Elimination System Permits (LPDES) set forth in the Louisiana Environmental Quality Act (LEQA), as amended, as well as ALL applicable regulations.

2. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Louisiana Environmental Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

3. Penalties for Violation of Permit Conditions

- a. LA. R. S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. LA. R. S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES or any order or any permit condition or limitation issued under or implementing any provisions of the LPDES program. (See Section E. Penalties for Violation of Permit Conditions for additional details).
- b. Any person may be assessed an administrative penalty by the State Administrative Authority under LA. R. S. 30:2025 for violating a permit condition or limitation implementing any of the requirements of the LPDES program in a permit issued under the regulations or the Louisiana Environmental Quality Act.

4. Toxic Pollutants

- a. Other effluent limitations and standards under Sections 301, 302, 303, 307, 318, and 405 of the Clean Water Act. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, the state administrative authority shall institute proceedings under these regulations to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.
- b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions, or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

5. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The new application shall be submitted at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the state administrative authority. (The state administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) Continuation of expiring permits shall be governed by regulations promulgated at LAC 33:IX.2321 and any subsequent amendments.

6. Permit Action

This permit may be modified, revoked and reissued, or terminated for cause in accordance with LAC 33:IX.2383, 2385, 2387, 2407 and 2769. The causes may include, but are not limited to, the following:

- a. Noncompliance by the permittee with any condition of the permit;

- b. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant acts, or the permittee's misrepresentation of any relevant facts at any time;
- c. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;
- d. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge; or
- e. Failure to pay applicable fees under the provisions of LAC 33: IX. Chapter 13.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

8. Duty to Provide Information

The permittee shall furnish to the state administrative authority, within a reasonable time, any information which the state administrative authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the state administrative authority, upon request, copies of records required to be kept by this permit.

9. Criminal and Civil Liability

Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to La. R.S. 30:2025.

10. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

11. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.

12. Severability

If any provision of these rules and regulations, or the application thereof, is held to be invalid, the remaining provisions of these rules and regulations shall not be affected, so long as they can be given effect without the invalid provision. To this end, the provisions of these rules and regulations are declared to be severable.

13. Dilution

A permittee shall not achieve any effluent concentration by dilution unless specifically authorized in the permit. A permittee shall not increase the use of process water or cooling water or otherwise attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve permit limitations or water quality.

SECTION B. PROPER OPERATION AND MAINTENANCE1. Need to Halt or Reduce not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

The permittee shall also take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

3. Proper Operation and Maintenance

a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and other functions necessary to ensure compliance with the conditions of this permit.

4. Bypass of Treatment Facilities

a. **Bypass**. The intentional diversion of waste streams from any portion of a treatment facility.

b. **Bypass not exceeding limitations**. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section B.4.c. and 4.d of these standard conditions.

c. Notice

(1) **Anticipated bypass**. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Office of Environmental Services, Permits Division, if possible at least ten days before the date of the bypass.

(2) **Unanticipated bypass**. The permittee shall submit notice of an unanticipated bypass as required in LAC 33:IX.2355.L.6, (24-hour notice) and Section D.6.e. of these standard conditions.

d. Prohibition of bypass

(1) Bypass is prohibited, and the state administrative authority may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

(c) The permittee submitted notices as required by Section B.4.c of these standard conditions.

- (2) The state administrative authority may approve an anticipated bypass after considering its adverse effects, if the state administrative authority determines that it will meet the three conditions listed in Section B.4.d(1) of these standard conditions.

5. Upset Conditions

- a. **Upset.** An exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. **Effect of an upset.** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section B.5.c. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. **Conditions necessary for a demonstration of upset.** A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated; and
 - (3) The permittee submitted notice of the upset as required by LAC 33:IX.2355.L.6.b.ii. and Section D.6.e.(2) of these standard conditions; and
 - (4) The permittee complied with any remedial measures required by Section B.2 of these standard conditions.
- d. **Burden of proof.** In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances

Solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state.

7. Percent Removal

For publicly owned treatment works, the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent in accordance with LAC 33:IX.2645.A.3. and B.3.

SECTION C. MONITORING AND RECORDS1. Inspection and Entry

The permittee shall allow the state administrative authority, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by the law to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

Enter upon the permittee's premises where a discharge source is or might be located or in which monitoring equipment or records required by a permit are kept for inspection or sampling purposes. Most inspections will be unannounced and should be allowed to begin immediately, but in no case shall begin more than thirty (30) minutes after the time the inspector presents his/her credentials and announces the purpose(s) of the inspection. Delay in excess of thirty (30) minutes shall constitute a violation of these regulations. However, additional time can be granted if the inspector or the Administrative Authority determines that the circumstances warrant such action; and

- b. Have access to and copy, at reasonable times, any records that the department or its authorized representative determines are necessary for the enforcement of these regulations. For records maintained in either a central or private office that is open only during normal office hours and is closed at the time of inspection, the records shall be made available as soon as the office is open, but in no case later than the close of business the next working day;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Louisiana Environmental Quality Act, any substances or parameters at any location.

- e. Sample Collection

- (1) When the inspector announces that samples will be collected, the permittee will be given an additional thirty (30) minutes to prepare containers in order to collect duplicates. If the permittee cannot obtain and prepare sample containers within this time, he is considered to have waived his right to collect duplicate samples and the sampling will proceed immediately. Further delay on the part of the permittee in allowing initiation of the sampling will constitute a violation of these regulations.

- (2) At the discretion of the administrative authority, sample collection shall proceed immediately (without the additional 30 minutes described in Section C.1.a. above) and the inspector shall supply the permittee with a duplicate sample.

- f. It shall be the responsibility of the permittee to ensure that a facility representative familiar with provisions of its wastewater discharge permit, including any other conditions or limitations, be available either by phone or in person at the facility during all hours of operation. The absence of such personnel on-site who are familiar with the permit shall not be grounds for delaying the initiation of an inspection except in situations as described in Section C.1.b. of these standard conditions. The permittee shall be responsible for providing witnesses/escorts during inspections. Inspectors shall abide by all company safety rules and shall be equipped with standard safety equipment (hard hat, safety shoes, safety glasses) normally required by industrial facilities.

- g. Upon written request copies of field notes, drawings, etc., taken by department personnel during an inspection shall be provided to the permittee after the final inspection report has been completed.

2. Representative Sampling

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. All samples shall be taken at the outfall location(s) indicated in the permit. The state administrative authority shall be notified prior to any changes in the outfall location(s). Any changes in the outfall location(s) will be subject to modification, revocation and reissuance in accordance with LAC 33:IX.2383.

3. Retention of Records

Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the state administrative authority at any time.

4. Record Contents

Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The time(s) analyses were begun;
- e. The individual(s) who performed the analyses;
- f. The analytical techniques or methods used;
- g. The results of such analyses; and
- h. The results of all quality control procedures.

5. Monitoring Procedures

- a. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 (See LAC 33:IX.2531) or, in the case of sludge use or disposal, approved under 40 CFR part 136 (See LAC 33:IX.2531) unless otherwise specified in 40 CFR part 503, unless other test procedures have been specified in this permit. This includes procedures contained in the latest EPA approved edition of the following publications:

(1) Standard Methods for the Examination of Water and Waste Water@ This publication is available from the American Public Health Association, Publication Sales, P. O. Box 753, Waldorf, MD 20604-0573, Phone number (301) 893-1894, Fax number (301) 843-0159.

(2) Annual Book of Standards, Vols 1101-1103, Water I, Water II, and Atmospheric Analysis@ This publication is available from the American Society for Testing Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Phone number (610) 832-9500.

(3) Methods for Chemical Analysis of Water and Wastes, Revised, March 1983,@U.S. Environmental Protection Agency, Analytical Quality Control Laboratory, Cincinnati, Ohio. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-84-128677.

- b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.

- c. An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory. General sampling protocol shall follow guidelines established in the *Handbook for Sampling and Sample Preservation of Water and Wastewater*, 1982@U.S. Environmental Protection Agency. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-83-124503. General laboratory procedures including glassware cleaning, etc. can be found in the *Handbook for Analytical Quality Control in Water and Wastewater Laboratories*, 1979,@U.S. Environmental Protection Agency, Environmental Monitoring and Support Laboratory. This publication is available from the Environmental Protection Agency, Phone number (513) 569-7562. Order by EPA publication number EPA-600/4-79-019.

6. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:

- a. *AA Guide to Methods and Standards for the Measurement of Water Flow*, 1975,@U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number COM-75-10683.
- b. *Flow Measurement in Open Channels and Closed Conduits*, Volumes 1 and 2,@U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Service (NTIS), Springfield, VA, 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-273 535.
- c. *NPDES Compliance Flow Measurement Manual*,@U.S. Environmental Protection Agency, Office of Water Enforcement. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-82-131178.

7. Prohibition for Tampering: Penalties

- a. LA R.S. 30:2025 provides for punishment of any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit.
- b. LA R.S. 30:2076.2 provides for penalties for any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non compliance.

8. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 (See LAC 33:IX.2531) or, in the case of sludge use and disposal, approved under 40 CFR part 136 (See LAC 33:IX.2531) unless otherwise specified in 40 CFR part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the state administrative authority.

9. Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the state administrative authority in the permit.

10. Laboratory Accreditation

- a. LAC 33:I.Subpart 3, Chapters 45-59 provide requirements for an accreditation program specifically applicable to commercial laboratories, wherever located, that provide chemical analyses, analytical results, or other test data to the department, by contract or by agreement, and the data is:
- (1) Submitted on behalf of any facility, as defined in R.S.30:2004;
 - (2) Required as part of any permit application;
 - (3) Required by order of the department;
 - (4) Required to be included on any monitoring reports submitted to the department;
 - (5) Required to be submitted by contractor
 - (6) Otherwise required by department regulations.
- b. The department laboratory accreditation program is designed to ensure the accuracy, precision, and reliability of the data generated, as well as the use of department-approved methodologies in generation of that data. Laboratory data generated by commercial environmental laboratories that are not accredited under these regulations will not be accepted by the department. Retesting of analysis will be required by an accredited commercial laboratory.

Where retesting of effluent is not possible (i.e. data reported on DMRs for prior month's sampling), the data generated will be considered invalid and in violation of the LPDES permit.

- c. Regulations on the Environmental Laboratory Accreditation Program and a list of labs that have applied for accreditation, are available on the department website located at:

<http://www.deq.state.la.us/laboratory/index.htm>.

Questions concerning the program may be directed to (225) 765-0582.

SECTION D. REPORTING REQUIREMENTS1. Facility Changes

The permittee shall give notice to the state administrative authority as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under LAC 33:IX.2357.A.1.
- c. For Municipal Permits. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Section 301, or 306 of the CWA if it were directly discharging those pollutants; and any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

2. Anticipated Noncompliance

The permittee shall give advance notice to the state administrative authority of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

This permit is not transferable to any person except after notice to the state administrative authority. The state administrative authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act or the Louisiana Environmental Quality Act. (See LAC 33:IX.2381; in some cases, modification or revocation and reissuance is mandatory.)

- a. Transfers by modification. Except as provided in LAC 33: IX.2381.B, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under LAC 33:IX.2383. A.2.b), or a minor modification made (under LAC 33:IX.2385) to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act and the Louisiana Environmental Quality Act.
- b. Automatic transfers. As an alternative to transfers under LAC 33:IX.2381.A, any LPDES permit may be automatically transferred to a new permittee if:
 - (1) The current permittee notifies the state administrative authority at least 30 days in advance of the proposed transfer date in Section D.3.b.(2) below;
 - (2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them;
 - (3) The state administrative authority does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subsection may also be a minor modification under LAC 33:IX.2385. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Section D.3.b.(2) of these standard conditions.

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part II.

5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

6. Requirements for Notification

a. Emergency Notification

As required by LAC 33:I.3915, in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the hotline (DPS 24-hour Louisiana Emergency Hazardous Materials Hotline) by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this section will be made regardless of the amount of discharge. Verbal Notification Procedures are listed in Section D.6.c. of these standard conditions.

A written report shall be provided within seven calendar days after the telephone notification. The report shall contain the information listed in Section D.6.d. of these standard conditions and any additional information in LAC 33:I.3925.B.

b. Prompt Notification

As required by LAC 33:I.3917, in the event of an unauthorized discharge which exceeds reportable quantity specified in LAC 33:I.Subchapter E, but does not cause an emergency condition, the discharger shall notify the Office of Environmental Compliance by e-mail utilizing the Incident Report Form and procedures found at www.deq.state.la.us/surveillance or by telephone within 24 hours after learning of the discharge. Otherwise, verbal notification should be made to the Office of Environmental Compliance at (225) 219-3640 during office hours or (225) 342-1234 after hours, weekends, and holidays.

c. Information for Verbal Notifications. The following guidelines will be utilized as appropriate, based on the conditions and circumstances surrounding any unauthorized discharge, to provide relevant information regarding the nature of the discharge:

- (1) name of person making the notification and telephone number where any return calls from response agencies can be placed;
- (2) name and location of facility or site where the unauthorized discharge is imminent or has occurred using common landmarks. In the event of an incident involving transport, include the name and address of transporter and generator;
- (3) date and time the incident began and ended, or estimated time of continuation if discharge is continuing;
- (4) extent of any injuries and identification of any known personnel hazards which response agencies may face;
- (5) common or scientific chemical name, U.S. Department of Transportation hazard classification, and best estimate of amounts of any and all discharged pollutants;
- (6) brief description of the incident sufficient to allow response agencies to formulate level and extent of response activity.

- d. Written Notification Procedures. Written reports for any unauthorized discharge that requires verbal notification under Section D.6.a. or 6.b., or that requires written notification under LAC 33:I.3919, will be submitted by the discharger to the department in accordance with this section within seven calendar days after the telephone notification. Written notification reports will include, but are not limited to, the following information:

- (1) name of person, company, or other party who is filing the written report;
- (2) time and date of verbal notification, name of person making the notification, and identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred;
- (3) date(s), time(s), and duration of the unauthorized discharge and, if not corrected, the anticipated time it is expected to continue;
- (4) details of the circumstances and events leading to any emergency condition, including incidents of loss of sources of radiation;
- (5) common or scientific chemical name, the CAS number, U.S. Department of Transportation hazard classification, and best estimate of amounts of any and all discharge pollutants, including methodology for calculations and estimates;
- (6) statement of actual or probable fate or disposition of the pollutant or source of radiation;
- (7) remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation.

Please see LAC 33:I.3925.B for additional written notification procedures.

- e. Twenty-four Hour Reporting. The permittee shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and; steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit (see LAC 33:IX.2355.M.3.b.);
- (2) Any upset which exceeds any effluent limitation in the permit;
- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the state administrative authority in Part II of the permit to be reported within 24 hours (LAC 33:IX.2361.G.).

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Section D.4., 5., and 6., at the time monitoring reports are submitted. The reports shall contain the information listed in Section D.6.e.

8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the state administrative authority, it shall promptly submit such facts or information.

9. Discharges of Toxic Substances

In addition to the reporting requirements under Section D.1-8, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Office of Environmental Services, Permits Division as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant:
 - i. listed at Chapter 23, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - (1) One hundred micrograms per liter (100 µg/L);
 - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micro-grams per liter (500 µg/L) for 2,4 -dinitro-phenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC33:IX.2331.G.7; or
 - (4) The level established by the state administrative authority in accordance with LAC 33:IX.2361.F.; or
 - ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant:
 - i. listed at Chapter 23, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (1) Five hundred micrograms per liter (500 µg/L);
 - (2) One milligram per liter (1 mg/L) for antimony;
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC 33:IX.2331.G.7; or
 - (4) The level established by the state administrative authority in accordance with LAC 33:IX.2361.F.; or
 - ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.

10. Signatory Requirements

All applications, reports, or information submitted to the state administrative authority shall be signed and certified.

- a. All permit applications shall be signed as follows:

- (1) For a corporation - by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or,
 - (b) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: DEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in Section D.10.a.(1)(a). The agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the state administrative

authority to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Section D.10.a.(1)(b). rather than to specific individuals.

(2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively; or

(3) For a municipality, state, federal, or other public agency - by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:

(a) The chief executive officer of the agency, or

(b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

b. All reports required by permits and other information requested by the state administrative authority shall be signed by a person described in Section D.10.a., or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in Section D.10.a. of these standard conditions;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or an individual occupying a named position; and,

(3) The written authorization is submitted to the state administrative authority.

c. Changes to authorization. If an authorization under Section D.10.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section D.10.b. must be submitted to the state administrative authority prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing a document under Section D.10. a. or b. above, shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

11. Availability of Reports

All recorded information (completed permit application forms, fact sheets, draft permits, or any public document) not classified as confidential information under R.S. 30:2030(A) and 30:2074(D) and designated as such in accordance with these regulations (LAC 33:IX.2323 and LAC 33:IX.2763) shall be made available to the public for inspection and copying during normal working hours in accordance with the Public Records Act, R.S. 44:1 et seq.

Claims of confidentiality for the following will be denied:

a. The name and address of any permit applicant or permittee;

b. Permit applications, permits, and effluent data.

c. Information required by LPDES application forms provided by the state administrative authority under LAC 33:IX.2331 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITION1. Criminala. Negligent Violations

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who negligently violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any such provision in a permit issued under the LPDES by the secretary, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$50,000 per day of violation, or imprisonment of not more than two years, or both.

b. Knowing Violations

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$100,000 per day of violation, or imprisonment of not more than six years, or both.

c. Knowing Endangerment

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any of such provisions in a permit issued under the LPDES by the secretary, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this Paragraph, be subject to a fine of not more than one million dollars. If a conviction of a person is for a violation committed after a first conviction of such person under this Paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment.

d. False Statements

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the LPDES or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the LPDES, shall, upon conviction, be subject to a fine of not more than \$10,000, or imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this Subsection, he shall be subject to a fine of not more than \$20,000 per day of violation, or imprisonment of not more than 4 years, or both.

2. Civil Penalties

The Louisiana Revised Statutes LA. R. S. 30:2025 provides that any person found to be in violation of any requirement of this Subtitle may be liable for a civil penalty, to be assessed by the secretary, an assistant secretary, or the court, of not more than the cost to the state of any response action made necessary by such violation which is not voluntarily paid by the violator, and a penalty of not more than \$27,500 for each day of violation. However, when any such violation is done intentionally, willfully, or knowingly, or results in a discharge or disposal which causes irreparable or severe damage to the environment or if the substance discharged is one which endangers human life or health, such person may be liable for an additional penalty of not more than one million dollars.

(PLEASE NOTE: These penalties are listed in their entirety in Subtitle II of Title 30 of the Louisiana Revised Statutes.)

SECTION F. DEFINITIONS

All definitions contained in Section 502 of the Clean Water Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified in this permit, additional definitions of words or phrases used in this permit are as follows:

1. "Clean Water Act" (CWA) means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972) Pub.L.92-500, as amended by Pub.L. 95-217, Pub.L. 95-576, Pub.L. 96-483 and Pub.L. 97-117, 33 U.S.C. 1251 et. seq.).
2. Accreditation means the formal recognition by the department of a laboratory's competence wherein specific tests or types of tests can be accurately and successfully performed in compliance with all minimum requirements set forth in the regulations regarding laboratory accreditation.
3. "Administrator" means the Administrator of the U.S. Environmental Protection Agency, or an authorized representative.
4. "Applicable effluent standards and limitations" means all state and Federal effluent standards and limitations to which a discharge is subject under the Clean Water Act, including, but not limited to, effluent limitations, standards or performance, toxic effluent standards and prohibitions, and pretreatment standards.
5. "Applicable water quality standards" means all water quality standards to which a discharge is subject under the Clean Water Act.
6. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
7. Commercial Laboratory means any laboratory that performs analyses or tests for third parties for a fee or other compensation, except those commercial laboratories accredited by the Department of Health and Hospitals in accordance with R.S.49:1001 et seq.
8. "Daily Discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day. Daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily discharge determination of concentration shall be arithmetic average (weighted by flow value) of all samples collected during that sampling day.
9. "Daily Maximum" discharge limitation means the highest allowable "daily discharge" during the calendar month.
10. "Director" means the U.S. Environmental Protection Agency Regional Administrator or an authorized representative.
11. "Environmental Protection Agency" means the U.S. Environmental Protection Agency.
12. "Grab sample" means an individual sample collected in less than 15 minutes.
13. "Industrial user" means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.
14. "LEQA" means the Louisiana Environmental Quality Act.

15. Louisiana Pollutant Discharge Elimination System (LPDES) means those portions of the Louisiana Environmental Quality Act and the Louisiana Water Control Law and all regulations promulgated under their authority which are deemed equivalent to the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act in accordance with Section 402 of the Clean Water Act and all applicable federal regulations.

16. "Monthly Average" (also known as Daily Average), other than for fecal coliform bacteria, discharge limitations means the highest allowable average of "daily discharge(s)" over a calendar month, calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes monthly average concentration effluent limitations or conditions, the monthly average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month where C = daily discharge concentration, F = daily flow and n = number of daily samples; monthly average discharge =

$$\frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$

The monthly average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.

17. "National Pollutant Discharge Elimination System" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Clean Water Act.

18. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

19. "Sewage sludge" means the solids, residues, and precipitates separated from or created in sewage by the unit processes of a publicly owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff, that are discharged to or otherwise enter a publicly owned treatment works.

20. "Treatment works" means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature to implement Section 201 of the Clean Water Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvement, remodeling, additions, and alterations thereof.

21. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

22. For fecal coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.

23. The term "MGD" shall mean million gallons per day.

24. The term "mg/L" shall mean milligrams per liter or parts per million (ppm).

25. The term "µg/L" shall mean micrograms per liter or parts per billion (ppb).

26. "Weekly average", other than for fecal coliform bacteria, is the highest allowable arithmetic mean of the daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week. The weekly average for fecal coliform bacteria is the geometric mean of the daily discharges over a calendar week.
27. "12-hour composite sample" consists of 12 effluent portions collected no closer together than one hour and composited according to flow. The daily sampling intervals shall include the highest flow periods.
28. "6-hour composite sample" consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
29. "3-hour composite sample" consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
30. Sanitary Wastewater Term(s):
- a. "24-hour composite sample" consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.